

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Murdy	Team: Squad #6	CCRB Case #: 201505248	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/18/2015 9:30 PM	Location of Incident: § 87(2)(b)	Precinct: 43	18 Mo. SOL 12/18/2016	EO SOL 12/18/2016	
Date/Time CV Reported Thu, 06/18/2015 10:28 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/25/2015 12:00 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Derrick Kreckmann	26021	954032	PSA 8

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. Officers			PSA 8
2. POM Andrew Lombardi	22123	954076	PSA 8

Officer(s)	Allegation	Investigator Recommendation
A.POM Derrick Kreckmann	Abuse: PO Derrick Kreckmann entered § 87(2)(b) in the Bronx.	
B.POM Derrick Kreckmann	Force: PO Derrick Kreckmann used physical force against § 87(2)(b)	
C.POM Derrick Kreckmann	Force: PO Derrick Kreckmann used pepper spray against § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On June 18, 2015, § 87(2)(b) filed this complaint by phone with IAB, generating IAB #15-17830. She filed the complaint on behalf of herself, § 87(2)(b)

§ 87(2)(b) and § 87(2)(b). On June 25, 2015, the case was received by the CCRB.

On June 18, 2015, at approximately 9:30 p.m., PO Derrick Kreckman, PO Andrew Lombardi, and two additional officers entered § 87(2)(b) § 87(2)(b) through an opened door and informed § 87(2)(b) and § 87(2)(b) that they had received a noise complaint regarding music coming from the apartment. § 87(2)(b) was having a party with several friends and family. The officers told § 87(2)(b) to turn the music down (**Allegation A**)

Approximately 30 minutes later, after § 87(2)(b) had turned the music back up a small amount, but not to the previous level, the same officers knocked on the door to § 87(2)(b) § 87(2)(b) opened the door and PO Kreckman, followed by PO3 and PO4, entered the apartment without asking (**Allegation A**). PO Lombardi remained at the door. The officers confiscated the stereo and issued § 87(2)(b) a summons for a noise violation. While the officers were inside the apartment, § 87(2)(b) filmed part of the incident on her cell phone. While she was filming, PO Kreckman pushed § 87(2)(b) back, causing her to fall (**Allegation B**).

After the officers left, § 87(2)(b) closed the door behind them. However, § 87(2)(b) opened the door and followed the officers down the hallway and to the elevator. § 87(2)(b) repeatedly tried to approach the officers and PO Lombardi told her to get back. Trapped in a confined space with the three other officers, PO Kreckmann sprayed her with pepper spray (**Allegation C**). The officers then left the floor and the building.

An Other Misconduct Noted allegation was made to document that PO Kreckmann did not ensure that medical attention was provided to § 87(2)(b) as per PG 212-95. (**Allegation D**).

§ 87(2)(b) and § 87(2)(b) went to the hospital to receive medical attention for the pepper spray, but left before receiving any treatment (See Board Review 01, 02, 04).

Mediation, Civil, and Criminal Histories

This case was not suitable for mediation as § 87(2)(b) planned on filing a lawsuit. On September 23, 2015, a response was received by the NYC Comptroller's Office stating that neither § 87(2)(b) nor § 87(2)(b) filed a notice of claim with the city (See Board Review 09). An OCA search by for § 87(2)(b) by summons number yielded no results (See Board Review 10).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint for both § 87(2)(b) and § 87(2)(b) (See Board Review 08).
- PO Kreckmann has been a member of the NYPD for two years. He had 22 prior CCRB allegations against him. In case #201405312, two search and two frisk allegations were substantiated against him. PO Kreckmann has one other open CCRB case, #201507430.

§ 87(2)(g)

Video Footage



2015-09-30_12-38-45.mp4

- In the first video, PO Kreckmann can be seen taking the stereo apart while inside of the apartment. The individuals inside, especially § 87(2)(b) can be heard screaming at the officers. One person, § 87(2)(b) can be seen/heard calling 911. That call is attached to CTS and is what generated this complaint with IAB.



2015-09-30_12-43-42.mp4

- This clip shows PO Lombardi standing at the front door while writing § 87(2)(b) a summons. § 87(2)(b) approaches, but PO Kreckmann shines a flashlight in her direction and tells her to step back. PO Kreckmann pushes § 87(2)(b) back and she screams at him while other individuals from the party hold her back.



2015-09-30_12-44-46.mp4

- The third video shows § 87(2)(b) approaching PO Kreckmann again, with the latter telling her to stay 15 feet back and pushing her back. § 87(2)(b) drops her phone and seems to attempt to run towards PO Kreckmann, but several friends hold her back.



2015-09-30_12-46-54.mp4

- The fourth video shows § 87(2)(b) and several other individuals from the party approaching PO Lombardi and the three other officers inside an elevator. PO Lombardi repeatedly tells everyone to get back and pushes § 87(2)(b) away. One person can be seen holding the elevator button down and the door open. The camera then turns in the direction opposite the elevator while screaming can be heard. Throughout all of the videos, the individuals at the party inside of § 87(2)(b) s are yelling at the officers.

Subject Officer Identification

Both PO Lombardi and PO Kreckmann acknowledged entering § 87(2)(b) s apartment with two other officers. However, based on PO Kreckmann's statements, he seemed to initiate each of the two entries. However, neither officer knew the names of the other two officers and the investigation was not able to identify them. Therefore, because PO Kreckmann acknowledges leading the officers into the apartment both times, the **Allegation A** will be pleaded against PO Kreckmann.

PO Kreckmann was identified by the investigation after PO Lombardi indicated that they were partners on the incident date. During his CCRB testimony, PO Kreckmann acknowledged being present for the incident. He stated he is the officer who pushed § 87(2)(b) back and used

the pepper spray against § 87(2)(b). As such, **Allegations B and C** will be pleaded against PO Kreckmann.

Allegations and Recommendations

Allegations Not Pleaded

- **Abuse of Authority- Interference with Videotaping:** In the second video provided by § 87(2)(b), PO Kreckman seems to shine his flashlight into the lens of § 87(2)(b)'s cell phone camera to try and prevent her from filming. However, after viewing the video following his CCRB testimony, PO Kreckmann stated he shined his flashlight at the space behind § 87(2)(b) in order to get a better look at the apartment, as there were no lights on at the time. The investigation was not able to obtain a verified statement from § 87(2)(b) but in her phone statement, she did not allege that PO Kreckman interfered with her videotaping of the incident by shining his flashlight into the camera. Because PO Kreckmann had a valid explanation for the events captured by video and § 87(2)(b) did not allege that he interfered with her filming of the incident, this allegation was not pleaded (See Board Review 03 and 07).
- **Abuse of Authority – Seizure of Property:** § 87(2)(b) and § 87(2)(b) alleged that the officers improperly seized their stereo. However, the investigation determined that the stereo was properly seized in accordance with the issuance of a criminal summons for a noise complaint, as per NYPD Patrol Guide, 214-23. Property vouchers for the stereo confirm that it was properly catalogued by PO Lombardi at the command following the incident. Therefore, this allegation was not pleaded.

Allegation A – Abuse of Authority: PO Derrick Kreckmann entered § 87(2)(b) in the Bronx.

It is undisputed that on June 18, 2015, a neighbor at § 87(2)(b) § 87(2)(b) called in a noise complaint against § 87(2)(b) (See Board Review 05). It is undisputed that on the evening of June 18, 2015, PO Kreckmann led officers from PSA 8 into § 87(2)(b) § 87(2)(b) in the Bronx at approximately 9:30 p.m., through an open door, in response to the complaint. It is also undisputed that he then led officers back to § 87(2)(b) 15 to 30 minutes later, after hearing loud music coming from the apartment.

In their CCRB testimony, both § 87(2)(b) and § 87(2)(b) stated that their door was open when officers initially entered their apartment at approximately 9:30 p.m. PO Kreckmann entered and told them to turn the music down, and § 87(2)(b) complied with the order. When asked about the volume of the music, § 87(2)(b) stated it was loud, but would not have been heard outside of the apartment had the door been closed (See Board Review 01, 02, 04).

PO Kreckmann stated that when officers entered the lobby of § 87(2)(b) a NYCHA building, in order to respond to a noise complaint from the occupants of § 87(2)(b) the officers could hear the music coming from the sixth floor. Upon reaching the hallway of the sixth floor, PO Kreckmann saw and smelled marijuana smoke emanating from the open door of § 87(2)(b)'s apartment. When the officers reached the door, PO Kreckman knocked two to three

times and announced himself as police. The lights were off inside the apartment, but PO Kreckman could make out people moving around the living room/kitchen area, located approximately 5-10 feet down a narrow hallway.

When no one responded to PO Kreckman's knocking, he walked into the living room and asked to speak with the owner. He spoke with § 87(2)(b) informed her of the noise complaint they received, and told her to turn the music down. He then told them that if the officers had to return, the stereo would be confiscated, and § 87(2)(b) would be issued a summons for the noise violation. He also advised her that if she was going to smoke weed and drink alcohol, she should do so away from the children he saw running around the apartment. The officers then left the apartment to conduct a vertical in the building. PO Kreckmann noted that most of the occupants seemed to be intoxicated (See Board Review 07).

According to § 87(2)(b) and § 87(2)(b) the officers returned approximately a half hour later and knocked on the door. § 87(2)(b) acknowledged that after the officers left, a song that everyone at the party liked came on and she turned the volume on the stereo back up a few notches. Initially, § 87(2)(b) told everyone to ignore the officers, but § 87(2)(b) opened the door after a few knocks. PO Kreckmann pushed past § 87(2)(b) and led two other officers into the apartment without a word. PO Lombardi issued a summons to § 87(2)(b) at the door while PO Kreckmann took the stereo apart and passed it down the hallway to the two other officers.

In PO Kreckmann's testimony, he stated that approximately 10 minutes into the vertical sweep, he heard music once again coming from the sixth floor. At the time he was a few floors above the sixth floor. The officers returned to the sixth floor and first spoke with the occupants of § 87(2)(b). They stated that the noise is a constant occurrence and it was preventing their family from getting enough sleep for work/school the next day.

PO Kreckmann knocked on the door to § 87(2)(b)'s apartment and this time the occupants heard the knocking, quieted each other down, and turned the music down. § 87(2)(b) opened the door and PO Kreckman asked if they could come inside. § 87(2)(b) said yes and the officers went inside (See Board Review 07).

PO Lombardi largely corroborated PO Kreckmann's statements, stating the music was so loud that they could hear it as they were coming upstairs in the elevator. During the first entry, PO Kreckmann knocked on the door, shined his flashlight inside, and announced himself as police, but PO Lombardi could not recall if anyone inside of § 87(2)(b)'s apartment provided permission to come in. During the second entry, PO Lombardi was still speaking to the owners of § 87(2)(b) when PO Kreckmann started knocking on the door. Through the concrete walls separating the apartment, PO Lombardi could clearly hear the music and bass coming from 6C. When he walked back into the hallway, PO Kreckmann was still knocking. § 87(2)(b) opened the door and PO Kreckmann did not push the door open to get past her. However, he did not state if PO Kreckmann asked for or was given permission to enter (See Board Review 06).

When a uniformed member of the service hears, observes, or receives a complaint of unreasonable noise, the uniformed member of service must determine if the noise is

unreasonable, attempt to correct the condition by warning the violator, and report the facts to the desk officer, NYPD Patrol Guide, 214-23 (See Board Review 12).

§ 87(2)(b), § 87(2)(g)

When the music returned and the officers went back to the apartment to issue the summons and confiscate the stereo, PO Kreckmann knocked on the door and requested permission from § 87(2)(b) who provided verbal consent. § 87(2)(b) and § 87(2)(b) alleged that PO Kreckmann pushed past them without a word. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation B – Force: PO Derrick Kreckmann used physical force against § 87(2)(b)

It is undisputed that PO Kreckmann pushed § 87(2)(b) back as she approached him while filming officers inside of § 87(2)(b) § 87(2)(b) in the Bronx.

Only that amount of force necessary to overcome resistance will be used, NYPD Patrol Guide, 203-11 (See Board Review 11).

In her CCRB interview, § 87(2)(b) stated that as the officers were leaving, § 87(2)(b) who was filming the incident on her cell phone, tried to get close to them. PO Kreckmann pushed her back, telling her that she needed to stand 15 feet away. § 87(2)(b) claimed that § 87(2)(b) fell as a result of the push, but she could not remember how she fell (See Board Review 02).

The investigation was not able to obtain a verified statement from § 87(2)(b) however, she did provided a brief phone statement. In her statement, § 87(2)(b) states she got within a few inches of PO Kreckmann while filming. PO Kreckmann told her to step back and pushed her into a wall.

However, she was caught by her mother and another person, preventing her from falling. She did not sustain an injury as a result of the push (See Board Review 03).

While more detailed in scope, PO Kreckmann's version of events essentially corroborates the combined statements of § 87(2)(b) and § 87(2)(b). In his CCRB testimony, PO Kreckmann stated that while he was inside of the apartment and passing pieces of the stereo out, § 87(2)(b) approached him two to three times. Each time she got close, PO Kreckmann would ask her to step back. PO Kreckmann added that the narrow hallway in the apartment can act like a "fatal funnel", concentrating groups of people in a confined space with officers. With the approximately 40 angry and intoxicated people in the apartment, he wanted to ensure officers safety by keeping some distance between officers and the people.

Once the entire stereo was out of the apartment, PO Kreckmann stood near the entrance to the apartment while PO Lombardi issued § 87(2)(b) a summons. § 87(2)(b) once again approached PO Kreckmann, getting extremely close. PO Kreckmann told her to step 15 feet back. § 87(2)(b) approached once more and PO Kreckmann pushed her backward. § 87(2)(b) did not fall, but threw her phone down. She was extremely irate and tried to rush PO Kreckmann, but she was successfully restrained by other people from the apartment (See Board Review 07). Video footage provided by § 87(2)(b) corroborates this portion of PO Kreckmann's testimony.

§ 87(2)(b), § 87(2)(g)

Allegation C – Force: PO Derrick Kreckmann used pepper spray against § 87(2)(b)

It is undisputed that when officers were attempting to leave the sixth floor via the elevator, PO Kreckmann used pepper spray against § 87(2)(b).

After the officers left the apartment with the stereo, § 87(2)(b) and others from the party followed the officers down the hallway. § 87(2)(b) stated her goal was to ask the officers where her stereo was being taken. She was angry at the situation, but spoke calmly to the officers. Upon reaching the elevator, § 87(2)(b) told § 87(2)(b) to leave it alone. § 87(2)(b) turned around to speak to § 87(2)(b) and when she turned back towards the officers, she was pepper sprayed in the face by PO Kreckmann. § 87(2)(b) largely corroborated § 87(2)(b)'s statements, however, she incorrectly stated that PO Lombardi was the officer who sprayed § 87(2)(b) (See Board Review 01, 02, 04).

According to PO Kreckmann, when he began taking the stereo apart inside of the apartment, the people inside went crazy. They screamed and yelled at the officer, with § 87(2)(b) in particular becoming very irate. As previously mentioned above, § 87(2)(b) repeatedly got extremely close to PO Kreckmann, causing him to push her backward to maintain a safe distance between officers and the civilians. When the officers finally left the apartment and closed the door behind them, PO Kreckmann heard a glass bottle break against the door.

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date